TL 1503-21

Missão Permanente de Portugal
Genebra

Observations made to Indonesia's "Aide-Mémoire"

1. Affirmation that the situation of East Timor is not under consideration under the 1503 procedure (cf.page 2).

- This affirmation is not new information for the Sub-Commission.

It implies that the Sub-Commission should not mention the topic of East Timor because it is no longer under consideration under the 1503 procedure.

Resolution 1503 is directed at countries who are the object of individual communications which indicate a situation of gross and flagrant violations of Human Rights. It does not exclude the public consideration by the Sub-Commission of other situations of equally gross and flagrant violations, whether or not the subject of these communications. Illustrations of this include the submission last year of resolutions on East Timor, Cyprus, Iran, El Salvador and Chili.

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The fact that a situation is not under consideration of the 1503 procedure does not prevent it being considered separately by the Sub-Commission: indeed, its role is precisely that of attracting the attention of governments to situations where there are minorities, or vulnerable peoples and groups, in order to break the wall of silence that can stifle their suffering.

2. Affirmation that the co-authors are basing themselves on the affirmations of "one single observer delegation" (page 2)

- This is not true. A number of observer delegations have mentionned the situation in East Timor, including:

a) Two governments: Portugal and Angola. The latter even mentionned the common position of the five African countries Angola, Mozambique, Guinea-Bissau, Cap Verde and São Tomé and Principe, who support the fight of the Timorese people against the Indonesian occupation;

b) A number of NGOs, without the Indonesian government having refuted their concrete accusations which include those made in two interventions of a victim from Timor;

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c) There are moreover, reports emanating from elsewhere that the Sub-Commission cannot ignore.

- Report of the UN Secretariat for the Special Committee on Decolonization (doc. 1/AC.109/ /961) of the 12th August 1988);
- A number of reports of Amnesty International;
- "Van den Heuvel" report, based on the Political Commission of the European Parliament ;
- Report of the American State Department "US country report for 1987" on Indonesia, published in February 1988.

3. Reference to the existence of "numerous visitors" (p. 2)

- Visits are always made at the invitation of the Indonesian authorities, and are strictly controlled.

The report of the Secretariat to the "Committee of 24" (doc. A/AC/109/961), denounces the selective access to the territory.

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Event the report of four European Members of parliament who recently visited the territory (S. 27) underlines the exceptional nature of these visits, and the preparation and control that goes into them (cf. the incident of the plane to Viqueque, paragraphs 10 and 11).

4. Report of the four members of the European Parliament (page 3)

- Despite the nature of their visit, they addressed significant criticism to Indonesia (see "comments to the Report" attached).

5. Opinion that the operative paragraphs 1 and 2 might hinder the Secretary General's efforts (p. 3)

On the contrary. They encourage such efforts.

6. Remark of Judge Deschênes last year (pages 3 and 4)

- The position of the Sub-Commission as a whole was another, quite different indeed.

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7. Accusing Portugal of following a "double face approach"

- It is not true.

Portugal tries to come to a just and global solution for the problem. In the meantime, it is its duty to dennounce the human rights violations occuring.

Although being the Admnistering Power of East Timor, Portugal has no access nor possibility of verifying the daily life in the territory.

Portugal would be failing to do its duties if it was to keep silent before the numerous and serious allegations of human rights violations which come to its knowledge.

The proper "fora" to raise the concern on such allegations is no doubt the Commission on Human Rights and the Sub-Commission. But Portugal does it as well in all other levels.

8. Critics on operative paragraph 3 about conditions of free movement and entry

- There is practically unanimity in considering that access and free move to and within the territory are not free.

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Even the report of the four members of the European Parliament confirms this opinion.

9. Statement that the project of resolution is against the "positive trend that is about to be developped"

- The truth is that the meagre positive gestures that Indonesia has made (for instance, the realisation of certain escorted visits) are the result of the pressures by international bodies such as the Sub-Commission, through its resolutions in the past, and the greater attention that the International Community is now giving to the problem.

Geneva, 31st August 1988